IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2383 of 1994

For Approval and Signature:

HONOURABLE MR.JUSTICE P.B.MAJMUDAR

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JAYVANTSINH BABUBHAI GOHIL AND OTHERS
Versus
STATE OF GUJARAT AND OTHERS

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Appearance :
MR YOGESH S LAKHANI for Petitioners.
None for Respondents.

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CORAM : HONOURABLE MR.JUSTICE P.B.MAJMUDAR

Date : 06/10/2006

ORAL JUDGMENT

By filing this petition, the petitioners have prayed that appropriate direction may be given to the respondents to continue them in service as full-time lecturers. It is also prayed that there services may not be

terminated. The petitioners were appointed as ad-hoc lecturers in a Government college. Appointments of the petitioners are tenure appointment. The case of the petitioners is that they have been appointed on regular post and, therefore, their services should be regularized.

In response to the petition, affidavit-in-reply has been filed by Joint Director, Commissioner of Higher Education Office, Gandhinagar. In paragraph 5 of the affidavit, it is stated that out of three petitioners, petitioner Nos.1 and 2 are still serving as ad-hoc lecturers and petitioner No.3 has already left the services and he is serving in other department of Gujarat University.

Ms.Falguni Patel, learned AGP submitted that the petitioners were appointed on ad-hoc basis and since the post in question is required to be filled in through GPSC selected candidate or through other eligible candidate by way of transfer, the petitioners cannot have any substantive right over the post. It is submitted by her that if the work is not available, the department can also terminate their services. It is also submitted by her that identical matters are disposed of by this Court and one of such order passed in Special Civil Application No.5415/1997 dated 18-1-2006 is also produced on record.

While disposing of aforesaid petition, learned Single Judge of this Court has directed that since the petitioners are appointed on ad-hoc basis, they may not be regularized, however, they may be allowed to continue to hold the posts until the posts are filled up either by transfer or by appointment of lecturers duly selected by Public Service Commission.

In view of aforesaid direction of learned Single Judge of this Court, this petition is also disposed of with a direction that so far as petitioners No.1 and 2 are concerned, they may be allowed to continue to hold the post in question till it is filled up either by transfer or by lecturers selected through GPSC.

Petition is rejected qua petitioner no.3 as he has already left the services.

In view of aforesaid direction, this petition is dismissed. Rule is discharged with no order as to costs.

(P.B.Majmudar, J.)

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